

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HARTFORD FIRE INSURANCE COMPANY,

Plaintiff,

v.

Cause No. 1:13-cv-00896-LFG-RHS

JUSTINA ROMERO, individually and as Personal Representative of the ESTATE OF KAYLA ALEXIS MARTINEZ, FRED SANCHEZ, individually and as Personal Representative of the ESTATE OF ALEANDRA SANCHEZ; REYES RUBIO; ANGEL GOMEZ, as Parents and next friend of BRIANNA SANCHEZ, a minor; FELICITA ESQUIBEL, as Parent and next friend of KAYLA ESQUIBEL, a minor; MARY HELEN LUCERO, as Parent and next friend of ALEXANDRIA DE LA O, a minor; and JOSEPH MARTINEZ,

Defendants.

**DEFENDANT JOSEPH MARTINEZ' ANSWER TO PLAINTIFF HARTFORD FIRE
INSURANCE COMPANY'S COMPLAINT FOR INTERPLEADER**

COMES NOW Joseph Martinez, individually by and through his counsel of record, Thell Thomas, and for his Answer to Plaintiff Hartford Insurance Company's Complaint for Interpleader (hereinafter "Complaint") states as follows:

- 1) Defendant Joseph Martinez (*hereinafter* Defendant Martinez) admits the allegations contained in paragraphs 8, 9, 10, 11, 13, 14, 15, 22, 24, and 50 of the Complaint.
- 2) Defendant Martinez is without sufficient information to admit or deny the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, 16, 17, 18, 19, 20, 21, 23, 25, and 26 of the Complaint.
- 3) Paragraphs 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 49, 51, 52, and 53 of the Complaint contain statements by Plaintiff which do not require a response.

- 4) Upon information and belief Defendant Joseph Martinez has incurred at least \$25,000.00 in medical costs as a result of injuries sustained in this crash.

WHEREFORE Defendant Joseph Martinez respectfully requests that the Court determine that he receive \$11,000.00 under the liability portion of the Plaintiff's policy, \$11,000.00 under the uninsured motorist portion of the policy, and \$25,000.00 under the medical payments coverage portion of the policy.

Respectfully submitted,

/s/ Thell Thomas

Thell Thomas

509 Roma NW

Albuquerque, NM 87102

(505) 242-2109

Attorney for Defendant Joseph Martinez

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of October, 2013, a true and correct copy of the foregoing document was electronically filed through the CM/ECF system, which caused the following participating CM/ECF counsel to be served with same by electronic means. The undersigned further certified that a true and correct copy of the foregoing was also served via regular U.S. Mail to the following:

Courtenay L. Keller
D. Chet Alderete
Riley, Shane & Keller, P.A.
3880 Osuna Road NE
Albuquerque, NM 87109
ckeller@rsk-law.com
calderete@rsk-law.com

Reyes Rubio
798 Don Gallegos Circle
Las Vegas, NM 87701

Robert C. Gutierrez, Esq.
Will Ferguson & Associates
10090 Coors Blvd. NW, Suite A
Albuquerque, NM 87114-3301
bob@fergusonlaw.com

Angel Gomez
2700 Hot Springs Blvd #1
Las Vegas, NM 87701

Anna C. Martinez, Esq.
Aequitas Law, LLC
PO Box 25304
Albuquerque, NM 87125
anna@aequitas.pro

Felicita Esquibel
1009 Romero Street
Las Vegas, NM 87701

Vitalia M. Sena-Baca
Prince, Schmidt, Korte & Baca, LLP
2905 Rodeo Park Drive East, Building 2
Santa Fe, NM 87505
(505) 982-5380

/s/ Thell Thomas
Thell Thomas
509 Roma NW
Albuquerque, NM 87102
(505) 242-2109
Attorney for Joseph Martinez